

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

---

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFFS,	)	
	)	
v.	)	
	)	
ERIE COUNTY, NEW YORK;	)	Civil No. 09-cv-0849
CHRIS COLLINS, COUNTY EXECUTIVE;	)	
ANTHONY BILLITTIER, IV, MD, COUNTY	)	
HEALTH COMMISSIONER;	)	
TIMOTHY B. HOWARD, ERIE COUNTY	)	
SHERIFF; MARC WIPPERMAN,	)	
ERIE COUNTY UNDERSHERIFF;	)	
ROBERT KOCH, SUPERINTENDENT,	)	
ADMINISTRATIVE SERVICES DIVISION,	)	
JAIL MANAGEMENT DIVISION;	)	
MICHAEL F. REARDON, FIRST DEPUTY	)	
SUPERINTENDENT FOR ERIE COUNTY	)	
HOLDING CENTER; DONALD LIVINGSTON,	)	
FIRST DEPUTY SUPERINTENDENT FOR	)	
ERIE COUNTY CORRECTIONAL FACILITY,	)	
	)	
DEFENDANTS.	)	
	)	

---

**NOTICE OF MOTION FOR LEAVE TO INTERVENE, TO UNSEAL  
COMPLIANCE REPORTS, AND TO VACATE THE STANDING  
ORDER PERMITTING FILING UNDER SEAL**

PLEASE TAKE NOTICE that the New York Civil Liberties Union (“NYCLU”) will move this court, pursuant to Fed. R. Civ. P. 24(c) and Local Rule 5.3(e), on June 21, 2012, for an Order: (a) granting the NYCLU leave to intervene; (b) unsealing compliance reports that have already been filed in this case with this Court; and (c) vacating the standing order permitting future compliance reports to be filed under seal. In support of this motion, the NYCLU files the attached memorandum of law and affirmation of Corey Stoughton, Esq., dated June 21, 2012, with the exhibits annexed thereto.

PLEASE TAKE FURTHER NOTICE that the return date will be set by this court and any reply papers shall be served upon the undersigned consistent with the deadlines set forth by the Local Rules and Your Honor's rules. The NYCLU intends to file and serve reply papers on this motion.



---

COREY STOUGHTON  
CHRISTOPHER DUNN  
BROOKE MENSCHEL\*  
New York Civil Liberties Union Foundation  
125 Broad Street, 19<sup>th</sup> Floor  
New York, NY 10004  
(212) 607-3366 (phone)  
(212) 607-3318 (fax)

*Counsel for Proposed Intervenor NYCLU*

Dated: June 21, 2012

New York, N.Y.

\*Not admitted to the United States District Court for the Western District of New York